

AN ACT

ENTITLED, An Act to repeal certain outdated and obsolete statutes and rules related to the Department of Health.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-1-10 be repealed.

Section 2. That § 34-1-11 be repealed.

Section 3. That § 34-1-12 be repealed.

Section 4. That § 34-1-13 be repealed.

Section 5. That § 34-1-31 be repealed.

Section 6. That § 34-1-32 be repealed.

Section 7. That § 34-1-33 be repealed.

Section 8. That § 34-12-1.1 be amended to read as follows:

34-12-1.1. Terms used in this chapter mean:

- (1) "Ambulatory surgery center," any facility which is not part of a hospital and which is not an office of a dentist, whether for individual or group practice, in which surgical procedures requiring the use of general anesthesia are performed upon patients;
- (2) "Assisted living center," any institution, rest home, boarding home, place, building, or agency which is maintained and operated to provide personal care and services which meet some need beyond basic provision of food, shelter, and laundry;
- (3) "Chemical dependency treatment facility," any facility which provides a structured inpatient treatment program for alcoholism or drug abuse;
- (4) "Health care facility," any institution, sanitarium, birth center, ambulatory surgery center, chemical dependency treatment facility, hospital, nursing facility, assisted living center, rural primary care hospital, adult foster care home, inpatient hospice, residential hospice,

place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization, nursing care, or supervised care of the sick or injured;

- (5) "Hospital," any establishment with an organized medical staff with permanent facilities that include inpatient beds and is primarily engaged in providing by or under the supervision of physicians, to inpatients, any of the following services: diagnostic or therapeutic services for the medical diagnosis, treatment, or care of injured, disabled, or sick persons; obstetrical services including the care of the newborn; or rehabilitation services for injured, disabled, or sick persons. In no event may the inpatient beds include nursing facility beds or assisted living center beds unless the same are licensed as such pursuant to this chapter;
- (6) "Nursing facility," any facility which is maintained and operated for the express or implied purpose of providing care to one or more persons whether for consideration or not, who are not acutely ill but require nursing care and related medical services of such complexity as to require professional nursing care under the direction of a physician on a twenty-four hour per day basis; or a facility which is maintained and operated for the express or implied purpose of providing care to one or more persons, whether for consideration or not, who do not require the degree of care and treatment which a hospital is designed to provide, but who because of their mental or physical condition require medical care and health services which can be made available to them only through institutional facilities;
- (7) "Critical access hospital," any nonprofit or public hospital providing emergency care on a twenty-four hour basis located in a rural area which has limited acute inpatient services, focusing on primary and preventive care, and which has in effect an agreement with a general hospital that provides emergency and medical backup services and accepts patient

referrals from the critical access hospital. For the purposes of this subdivision, a rural area is any municipality of under fifty thousand population;

- (8) "Adult foster care home," a family-style residence which provides supervision of personal care, health services, and household services for no more than four aged, blind, physically disabled, developmentally disabled, or socially-emotionally disabled adults;
- (9) "Inpatient hospice," any facility which is not part of a hospital or nursing home which is maintained and operated for the express or implied purpose of providing all levels of hospice care to terminally ill individuals on a twenty-four hour per day basis;
- (10) "Residential hospice," any facility which is not part of a hospital or nursing home which is maintained and operated for the express or implied purpose of providing custodial care to terminally ill individuals on a twenty-four hour per day basis; and
- (11) "Birth center," any health care facility at which a woman is scheduled to give birth following a normal, uncomplicated pregnancy, but does not include a hospital or the residence of the woman giving birth.

Section 9. That § 34-14-7 be repealed.

Section 10. That § 34-14-8 be repealed.

Section 11. That § 34-14-9 be repealed.

Section 12. That § 34-14-12 be repealed.

Section 13. That § 34-14-13 be repealed.

Section 14. That § 34-14-14 be repealed.

Section 15. That § 34-14-15 be repealed.

Section 16. That § 34-7-1 be repealed.

Section 17. That § 34-7-2 be repealed.

Section 18. That § 34-7-8 be repealed.

Section 19. That § 34-7-9 be repealed.

Section 20. That § 34-7-10 be repealed.

Section 21. That § 34-7-11 be repealed.

Section 22. That § 34-7-12 be repealed.

Section 23. That § 34-7-13 be repealed.

Section 24. That § 34-7-14 be repealed.

Section 25. That § 34-7-15 be repealed.

Section 26. That § 34-7-16 be repealed.

Section 27. That § 34-7-17 be repealed.

Section 28. That § 34-7-18 be repealed.

Section 29. That § 34-7-20 be repealed.

Section 30. That § 34-7-21 be repealed.

Section 31. That § 34-7-22 be repealed.

Section 32. That § 34-7-23 be repealed.

Section 33. That § 34-7-25 be repealed.

Section 34. That § 34-7-27 be repealed.

Section 35. That § 34-27-1 be repealed.

Section 36. That § 34-27-2 be repealed.

Section 37. That § 34-27-3 be repealed.

Section 38. That ARSD 44:17:01:01 be repealed.

Section 39. That ARSD 44:17:01:02 be repealed.

Section 40. That ARSD 44:17:01:03 be repealed.

Section 41. That ARSD 44:17:01:04 be repealed.

Section 42. That ARSD 44:17:01:05 be repealed.

Section 43. That ARSD 44:17:01:06 be repealed.

Section 44. That ARSD 44:17:01:07 be repealed.

Section 45. That ARSD 44:17:01:08 be repealed.

Section 46. That ARSD 44:17:01:09 be repealed.

Section 47. That ARSD 44:61:01:01 be repealed.

Section 48. That ARSD 44:61:02:02 be repealed.

Section 49. That ARSD 44:61:02:03 be repealed.

Section 50. That ARSD 44:61:03:01 be repealed.

Section 51. That ARSD 44:61:03:02 be repealed.

Section 52. That ARSD 44:61:03:03 be repealed.

Section 53. That ARSD 44:61:04:01 be repealed.

Section 54. That ARSD 44:61:04:02 be repealed.

Section 55. That ARSD 44:61:04:03 be repealed.

An Act to repeal certain outdated and obsolete statutes and rules related to the Department of Health.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1010

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1010
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State